

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUIS MORALES,
Plaintiff,

v.

PRIMECARE MEDICINE, *et al.*,
Defendants.

CIVIL ACTION NO. 19-CV-5934

FILED

JAN 30 2020

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 29th day of January, 2020, upon consideration of *pro se* Plaintiff Luis

Morales's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Luis Morales, #20171419, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Berks County Jail System or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Morales's inmate account; or (b) the average monthly balance in Morales's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Morales's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Morales's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.
3. The Clerk of Court shall **SEND** a copy of this Order to the Warden of the Berks County Jail System.

4. The Complaint is **DEEMED** filed.

5. For the the reasons set forth in the Court's Memorandum, Morales's claims against PrimeCare Medicine, Dr. John and Jane Doe, and Correctional Officer Klim in their official and individual capacities, and any claims against Correctional Officer Sloblojian in his official capacity only, are **DISMISSED WITHOUT PREJUDICE..**

6. Morales is granted thirty (30) days to file an amended complaint in the event he can allege additional facts to state a plausible claim against Defendants PrimeCare Medical, Inc., Dr. John and Jane Doe, and Correctional Officer Klim. Any amended complaint shall include all claims Morales seeks to assert, identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Morales's claims against each defendant, and shall bear the title "Amended Complaint" and the docket number 19-5934. If Morales files an amended complaint, his amended complaint must be a complete document that includes all of the bases for Morales's claims, including the claims that the Court has not yet dismissed if he seeks to proceed on those claims. When drafting his amended complaint, Morales should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Morales does not file an amended complaint, or if he advises the Court that he opts to proceed only on the claims that have passed § 1915 screening, the Court will direct service of his initial Complaint on Defendant Correctional Officer Sloblojian only.

BY THE COURT:



JOHN R. PADOVA, J.